REMARKS

The Official Action of October 17, 2007, and the prior art relied therein have been carefully reviewed. The claims in the application are now only elected claims 11, 21 and 22, and these claims define patentable subject matter warranting their allowance. Applicants respectfully request favorable reconsideration and allowance.

Acknowledgement by the PTO of the receipt of applicants papers filed under Section 119 is noted.

The restriction requirement has been repeated and made final. Applicants accept that the inventions are patentably distinct from one another, and consequently the non-elected and withdrawn claims 1, 2, 12-19 and 23-33 have been deleted without prejudice to applicants' rights to pursue those claims in a divisional application without any penalty whatsoever.

Claims 3-11 and 20-22 have been rejected under the second paragraph of Section 112. Such rejection is respectfully traversed.

Applicants believe the claims as previously drafted, particularly when considered in light of applicants' specification (fully consistent with the law), would not have been confusing to those skilled in the art, and therefore the

claims in their previous form are fully in accordance with Section 112. At **worst**, the criticized language might be considered objectionable, but **only** as to form, requiring no substantial amendments relating to patentability.

Nevertheless, in deference to the examiner's views, the criticized phrase "and inhibits the biological activity thereof" has been replaced with the phrase "to thereby block binding between IL-6 and its receptor".

Withdrawal of the rejection is in order and is respectfully requested.

Claims 3-11 and 20-22 have been rejected under the first paragraph of Section 112, as lacking enablement, and also as failing to comply with the written description requirement. These rejections are respectfully traversed.

The claimed invention as amended is drawn to a gene fragment coding of scFv of a human anti-human IL-6 antibody that binds to human IL-6 to thereby block binding between IL-6 and its receptor, such gene fragment consisting of a gene fragment coding for a VH chain of the human anti-human IL-6 antibody bound to a gene fragment coding for a VL chain of the human anti-human IL-6 antibody, wherein CDR1 to CDR3 of said VH chain have SEQ ID NO: 5 to SEQ ID NO: 7, respectively, and/or CDR1 to CDR3 of said VL chain have SEQ ID NO: 8 to SEQ ID NO: 10, respectively; the gene fragment wherein said VH

chain has the amino acid sequence depicted in SEQ ID NO: 2 and/or said VL chain has the amino acid sequence depicted in SEQ ID NO: 4, wherein one or several amino acids are deleted, substituted or added in said VH chain and/or said VL chain wherein said VH chain and VL chain bind to human IL-6, to thereby block binding between IL-6 and its receptor.

It should be noted that, contrary to the rejection, the gene fragment of the invention is not restricted to those which "inhibit the IL-6 dependent proliferation response of IL-6 dependent cell line KT-3", but is instead directed to those which "bind to human IL-6 to thereby block binding between IL-6 and its receptor".

Besides, the phrase "one or several" is also maintained, but claim 22 is so amended that the VH chain and VL chain, which have the amino acid sequence depicted in SEQ ID NO: 2 and the amino acid sequence depicted in SEQ ID NO: 4, respectively, in which one or several amino acids are deleted, substituted or added, *bind to human IL-6 to thereby block binding between IL-6 and its receptor*. Thus, this aspect of the present invention has the same feature as the aforementioned aspects of the present invention in that it has the same activity (namely, binding to human IL-6 to thereby block binding between IL-6 and its receptor) and hence would meet the enablement and written description requirements.

Applicants' claims are commensured in scope with the description of the invention; and those skilled in the art, upon reading applicants' specification, and coupling the knowledge thereby obtained with the knowledge already possessed by the person skilled in the art, would be enabled to practice applicants' invention as broadly as it is claimed. Withdrawal of the rejections based on the first paragraph of Section 112 is in order and is respectfully requested.

Claims 3, 7 and 11 have been rejected under Section 102 as anticipated by Garrone et al USP 5,959,085 (Garrone). This rejection is respectfully traversed.

Notwithstanding any relationship or lack thereof between Garrone and the present invention, claims 3 and 7 have been deleted and claim 11 has in effect been converted to claim 20 rewritten into independent form, whereby the rejection is not imposed against any of the present claims. Accordingly, applicants need not address this rejection as the present time.

None of the other claims have been rejected on the basis of any prior art, whereby applicants understand that applicants' claims are deeded by the PTO to define novel and unobvious subject matter under Sections 102 and 103.

The prior art documents of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicants' claims.

Applicants believe that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

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